

June 13, 2005
Seven o'clock P.M.
North Little Rock School District Board Room
2700 Poplar
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, June 13, 2005, was called to order at 7:00 p.m. by the honorable acting Mayor MURRY WITCHER. Acting Mayor Witcher thanked the North Little Rock School District for the use of their meeting room over the next several months during the renovation of the City Council Chambers at City Hall. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (7/0). Alderman GARY BERRY was absent. City Clerk Diane Whitbey was also present.

The invocation was given by Alderman Thomas, followed by the pledge of allegiance to the flag which was led by Alderwoman Robinson .

On the motion of Alderman Hight and seconded by Alderman Bryant, and by consent of all members present, the minutes from a regular council meeting held on Monday, May 23, 2005, were accepted and filed as prepared by the City Clerk (7/0).

On the motion of Alderman Bryant and seconded by Alderwoman Robinson, and by consent of all members present, communications #1, 2, 3, 4, and 7, were not read but accepted and filed (7/0).

1. Dan Flowers, Director of Highways and Transportation letter to Mayor Hays re: utilization of air space within right-of-way limits on Riverfront Drive aka State Highway 100 and advising space can only be used for public purposes.
2. Sharon Tedford, Mayor's Office memorandum re: application for a new restaurant mixed drink permit for Bogie's at 120 West Pershing Boulevard, by Samir Pothe.
3. Sharon Tedford, Mayor's Office memorandum re: change of manager request, retail liquor and beer (Don Sears), Old Mill Wine and Spirits, 2600 Lakewood Village Drive, by Kelly Faye McCabe.
4. Bobbie Peterson, Petition requesting speed hump (location left blank) including 31 signatures.
7. Robert (Bob) Sisson, Finance Director memorandum to Mayor Hays, City Council, City Clerk Diane Whitbey and City Treasurer Mary Ruth Morgan re: copies of North Little Rock Electric and Utilities Accounting Audit reports for the year ended December 31, 2004.

On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, communication # 5 was read, accepted and filed (7/0).

5. Bob Rhoads, CPRP Director of Parks and Recreation, letter to Mayor Hays and City Council re: consideration of a new gym at the North Heights Community Center, using unobligated funds balance for the North Little Rock Community Center in 2004 Sales Tax Bond Program (\$515,000.00) to be replaced with next Sales Tax Bond Program

Alderman Gipson requested the City Attorney draft legislation requesting approval from the council and the Parks Department and to get approval from the Advertising and Promotion Commission. Alderman Bryant said facilities will be added to the Parks Department. He is a member of the Parks Commission and advised additional employees will be requested for 2006 for both Recreation and Maintenance.

On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, communication #6 was read, accepted and filed (7/0).

6. Mayor Patrick Henry Hays letter to Ms. Whitbey and members of the City Council re: out of town, Monday, June 13, 2005, attending the 73rd Annual US Conference of Mayor's meeting in Chicago, Illinois. Alderman Murry Witcher to preside over City Council meeting.

UNFINISHED BUSINESS

R-05-62

A RESOLUTION ENDORSING THE FINANCING PLAN FOR A BASEBALL PARK IN THE CITY OF NORTH LITTLE ROCK, was called and held at the request of acting Mayor Witcher for the sponsor, Mayor Hays.

O-05-29

AN ORDINANCE ESTABLISHING THE EAST BROADWAY SIGN OVERLAY DISTRICT AND AMENDING ORDINANCE NO. 7697, THE NORTH LITTLE ROCK ZONING ORDINANCE: DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on April 25, 2005; a public hearing was held May 9, 2005; was read a second time May 23, 2005, was called and held at the request of sponsor, Alderman Witcher.

NEW BUSINESS

R-05-75 (RESOLUTION NO. 6776 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 702-A AND B EAST 17TH STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Bryant. Acting Mayor Witcher convened a public hearing regarding 702-A and B East 17th Street. There being no one wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0).

R-05-76 (RESOLUTION NO. 6777 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 811 NORTH "H" STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Bryant. Acting Mayor Witcher convened a public hearing regarding 811 North "H" Street. Mr. Andrew Badgett advised he bought the property two years

ago. Due to termite damage, he planned on tearing down the structure and said he would need about four months as he would have to wait until he can use vacation time. Mr. Tom Wadley, Interim Code Enforcement Director said the structure has been a problem since 2001 and Mr. Badgett has not made any efforts to secure the property. Mr. Badgett said he has tried to get someone to fix (secure) it but ran out of money. Acting City Attorney Jason Carter said the council could amend the resolution to allow more time before fines would be imposed. Alderman Thomas asked if 60 days would be adequate. Mr. Badgett said he would not get vacation until the end of August and said if the city would tear down the property, he could reimburse the city monthly. Alderman Gipson said there is money in the Dumpster Fund and asked if it could be used for demoliton. Ms. Mary Beth Bowman, Director of Community Development said they would pay up to \$1,000.00 for the dumpster and the property would have to be torn down within 30 days. Mr. Wadley said the city would have expenses associated with tearing down the property. Mr. Badgett purchased the property through a tax sale (he paid \$5,697.00) and was told to wait two years before doing anything to the property. Alderman Thomas made a motion to amend Section 2 and 3 to allow 60 days. Alderman Thomas revised his motion to amend which was seconded by Alderwoman Robinson, and by consent of all members present, the resolution was amended as follows: Section 5: ~~delete from and after its passage and approval.~~ and replace with ON AUGUST 1, 2005 (7/0). Council members reiterated to Mr. Badgett if he does not have the property torn down by August 31, 2005, he will be fined \$50.00 per day. Alderman Bryant asked for a written document to be signed by the owner. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted as amended (7/0).

R-05-77 (RESOLUTION NO. 6778 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1421 OLIVE IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Hight. Acting Mayor Witcher convened a public hearing regarding 1421 Olive. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0).

R-05-78 (RESOLUTION NO. 6779 - MAYOR HAYS)

A RESOLUTION APPOINTING PATTI JULIAN TO THE NORTH LITTLE ROCK SEWER COMMITTEE; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Gipson, and by consent of all members present, the resolution was adopted (7/0). Acting Mayor Witcher acknowledge Mrs. Julian who was present and thanked her for serving on the committee.

R-05-79 (RESOLUTION NO. 6780 - MAYOR HAYS)

A RESOLUTION REAPPOINTING LYNN WELSH TO THE NORTH LITTLE ROCK CIVIL SERVICE COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0).

R-05-80 (RESOLUTION NO. 6781 - MAYOR HAYS)

A RESOLUTION REAPPOINTING JOE SIMMONS TO THE NORTH LITTLE ROCK CIVIL SERVICE COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Thomas and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0).

R-05-81 (RESOLUTION NO. 6782 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE EXTENSION OF WASTE WATER UTILITY SERVICES TO CERTAIN PROPERTY GENERALLY KNOWN AS THE SHADY LANE II SUBDIVISION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0).

R-05-82 (RESOLUTION NO. 6783 - MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BID OF CO-BAR CONSTRUCTION FOR WIDENING IMPROVEMENTS TO FAIRFAX DRIVE IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0).

R-05-83 (RESOLUTION NO. 6784 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0).

R-05-84 (RESOLUTION NO. 6785 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT THE DONATION OF AN ARTISTIC SCULPTURE TO BE A PART OF THE ARKANSAS INLAND MARITIME MUSEUM FROM THE WOMEN'S ACTION FOR NEW DIRECTIONS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Hight, the resolution was adopted (7/0). Alderman Hight asked why a beacon was being called a sculpture.

O-05-36 (ORDINANCE NO. 7715 - ALDERWOMAN ROBINSON AND ALDERMAN THOMAS)

AN ORDINANCE GRANTING A CONDITIONAL USE FOR A DAY CARE CENTER IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2200 HIGHWAY 161 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Thomas, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time. Alderwoman Robinson asked Mr. Robert Voyles about Section 2. (9) regarding the property East of this location. Mr. Voyles said the section regarding the adjoining property should reference the property on the East. On the motion of Alderwoman Robinson and seconded by Alderman Gipson and by consent of all members present, the ordinance was amended as follows:: Section 2 (9) *add TO THE EAST., and delete Section 2 (7) and (8) and renumber former number (9) to (7)* (7/0). Alderman Gipson asked if the installation of p-gravel meets the requirement of grass or other soft surface. Mr. Voyles said p-gravel would be softer than asphalt. Alderman Gipson said p-gravel was not what the council had in mind for grass or other soft surfaces and that the city cannot put in p-gravel in play areas. Ms. Linda Foley and Ms. Carolyn Lewis will operate the day care. After discussion, and on the motion of Alderman Gipson which was seconded by Alderman Bryant, and by consent of all members

present, the ordinance was again amended as follows:: *Section 2 (3) Install ~~p-gravel~~ GRASS OR OTHER SOFT SURFACE in the playground area* (7/0). Alderman Parker asked about the fence distance from the structure. Mr. Voyles advised there is an existing fence separating the property from the property next to it (Sonic Drive-In). On the motion of Alderwoman Robinson and seconded by Alderman Bryant, and by consent of all members present, the ordinance was read a third and final time, as amended (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted as amended (7/0). Emergency clause adopted (7/0).

O-05-37 (ORDINANCE NO. 7716 - ALDERMAN GIPSON)

AN ORDINANCE WAIVING LANDSCAPING REQUIREMENTS FOR CERTAIN PROPERTY LOCATED AT THE SOUTHEAST CORNER OF JFK BOULEVARD AND McCAIN BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Hight, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Gipson and seconded by Alderman Bryant, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Alderman Gipson advised the configuration of the property make it difficult to comply with city requirements. The Drive-thru would be located behind the building. The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-05-38 (ORDINANCE NO. 7717 - MAYOR HAYS)

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE TO PROVIDE SHORT-TERM FINANCING UNDER AMENDMENT NO. 78 TO THE ARKANSAS CONSTITUTION FOR FACILITIES IMPROVEMENTS AND EQUIPMENT FOR THE NORTH LITTLE ROCK PARKS AND RECREATION DEPARTMENT, PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight, and seconded by Alderman Gipson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). A motion to suspend the rules was made by Alderman Hight. Acting Mayor Witcher advised the Advertising and Promotion Commission met this date and voted unanimously to extend the one cent sales tax for a five-year period. Mr. Sisson advised this legislation required approval from the A & P Commission. This legislation will add five-more years to the existing agreement. Alderman Bryant seconded the previous motion and the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-05-39

AN ORDINANCE ADOPTING AN AMENDED LAND USE PLAN FOR THE WESTERN PART OF THE CITY OF NORTH LITTLE ROCK NORTH AND SOUTH OF MAUMELLE BOULEVARD; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time and held at the request of the sponsor by Acting Mayor Witcher. A public hearing was scheduled for June 27, 2005, at 7:05 p.m.

O-05-40

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED ON THE WEST END OF VESTAL BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM C-1, C-2, C-4 AND I-2 TO R-4 AND C-3 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time and held at the request of the sponsor by Acting Mayor Witcher. A public hearing was scheduled for June 27, 2005, at 7:05 p.m.

PUBLIC COMMENTS-----

Alderman Gipson asked when the project near the former Cassinelli's restaurant property would be completed. Alderman Gipson asked about in-lieu funds for drainage projects and asked if those funds could be used to assist with drainage (example: businesses along Camp Robinson Road) instead of using Ward Drainage Funds. Mr. Voyles advised developers are required to install detention. Alderman Gipson thanked Mr. Wadley for work on Vine Street. He also reminded everyone that garbage can be placed out after 6:00 p.m. the night before pickup day and asked that people not place it out before that time due to the high temperatures and animals. Ms. Whitbey advised North Little Rock Friends of Animals will host a motorcycle bike ride and fund raiser Saturday, June 18. Mr. Jim Ard advised the building where the council is meeting looks nice and thanked whoever worked on it. He discussed previous school superintendents and recommended the next superintendent be promoted from within the district and suggested Mr. Bobby Acklin for the position. Mr. Ard also mentioned stinky dumpsters and grass exceeding the maximum height allowed by the city on city-owned property. Mr. Ard asked the Waste Water Commission to consider allowing PVC piping for residential properties. Mr. Bobby Taylor said there is a drainage problem on Bruce Oakley Lane and was previously advised by the city engineer that nothing could be done regarding the problem. Water comes off of a wholesale lumber company property into residential yards including Larry Irvin's and asked for someone to look in to the on-going problem. Alderman Gipson asked Ms. Bowman about a memorandum regarding unused funds which need to be spent in a timely fashion and could be spent on a project currently underway and mentioned a project on "D" Street in Park Hill and 33rd or 35th Street. Phase II of 35th Street is underway.

Alderman Gipson asked for approval to spend the rest of the CDBG monies to complete the project along with Ward 1 money and requested legislation regarding the same. A public hearing would need to be set. Ms. Bowman said the monies need to be obligated as soon as possible. Alderman Gipson asked about \$167,000.00. Ms. Bowman would like to see approximately \$40,000.00 spent on rehabilitation, putting \$34,000.00 to \$36,000.00 back into rehabilitation due to less monies in 2005 and approximately \$8,000.00 into Administration which would leave approximately \$110,000.00. Alderman Gipson indicated \$8,000.00 to Administration, \$40,000.00 to rehab and the balance into the 35th Street Project. Ms. Bowman advised the funds are an accumulation of excess funds from the past three years, including Rebuild America and the Skateboard project On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, a voice vote was taken to authorize the request to reallocate three years for funds, and a formal resolution will be presented at the next City Council meeting (7/0). The funds requested by Ward 1 would be replaced. (Ms. Bowman will provide the City Clerk with a copy of the memorandum).

There being no further business to come before the Council, and on the motion of Alderman Gipson and seconded by Alderman Bryant, and no one else wishing to be heard, the meeting adjourned at 8:30 p.m., until the next regular meeting to be held on Monday, June 27, 2005, at seven o'clock p.m. in the North Little Rock School Administration Building Board Room, located at 2700 Poplar, in the Administration Office Board Room, North Little Rock, Arkansas.

APPROVED:
MAYOR PATRICK HENRY HAYS

ATTEST:
DIANE WHITBEY, CITY CLERK